

REFERENCE STATUTES AND ORDINANCES PERTAINING TO NIOSE COMPLAINTS

42-14-101. Legislative declaration

The general assembly hereby finds and determines that the operation of a motor vehicle in commerce has important statewide ramifications for commercial diesel vehicle operators because the transportation of people and property is not confined to one jurisdiction. Therefore, the general assembly hereby declares that idling standards are a matter of statewide concern.

42-14-103. Uniform standard - local governments

A local authority shall not adopt or enact a resolution, ordinance, or other law concerning idling of a covered vehicle that is more stringent than this article.

42-14-104. Applicability

(1) This article applies to:

(a) Commercial diesel vehicles with a gross vehicle weight rating of greater than fourteen thousand pounds that are designed to operate on highways; and

(b) Locations where commercial diesel vehicles load or unload if a local authority has adopted or enacted a resolution, ordinance, or other law consistent with this article.

(2) This article does not supersede an ordinance of a local authority if the authority has an average elevation of over six thousand feet and if the ordinance was in effect on January 1, 2011.

42-14-105. Idling

(1) Standard. The owner or operator of a covered vehicle shall not cause or permit the vehicle to idle for more than five minutes within any sixty-minute period except as authorized by subsection (2) of this section.

(2) Exemptions. Subsection (1) of this section does not apply to an idling, covered vehicle:

(a) When it remains motionless because of highway traffic, an official traffic control device or signal, or at the direction of a law enforcement officer;

(b) When the driver is operating defrosters, heaters, or air conditioners or is installing equipment only to prevent a safety or health emergency, and not for rest periods;

(c) In the case of a law enforcement, emergency, public safety, or military vehicle, or any other vehicle used to respond to an emergency, when it is responding to an emergency or being used for training for an emergency, and not for the convenience of the vehicle operator;

- (d) When necessary for required maintenance, servicing, or repair of the vehicle;
- (e) During a local, state, or federal inspection verifying that the equipment is in good working order if required for the inspection;
- (f) During the operation of power take-off equipment if necessary for operating work-related mechanical or electrical equipment;
- (g) In the case of an armored vehicle, when a person is inside the vehicle to guard its contents or during the loading or unloading of the vehicle;
- (h) In the case of a passenger bus, when idling for up to five minutes in any sixty-minute period to maintain passenger comfort while nondriver passengers are on board;
- (i) When used to heat or cool a sleeper berth compartment during a rest or sleep period at a safety rest area as defined under 23 CFR 752.3, fleet trucking terminal, commercial truck stop, or state-designated location designed to be a driver's rest area;
- (j) When used to heat or cool a sleeper berth compartment during a rest or sleep period at a location where the vehicle is legally permitted to park and that is at least one thousand feet from residential housing, a school, a daycare facility, a hospital, a senior citizen center, or a medical outpatient facility providing primary, specialty, or respiratory care; or
- (k) When idling for up to twenty minutes in any sixty-minute period if the ambient temperature is less than ten degrees.

42-4-1206. Unattended motor vehicle

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, and effectively setting the brake thereon, and, when standing upon any grade, said person shall turn the front wheels to the curb or side of the highway in such a manner as to prevent the vehicle from rolling onto the traveled way. Any person who violates any provision of this section commits a class B traffic infraction.

Model Traffic code 1206, Unattended Motor Vehicles:

(1) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first removing the key from the ignition or locking the doors, and when standing upon any grade, said person shall effectively set the brake thereon, and turn the front wheels to the curb or side of the highway in such a manner as to prevent the vehicle from rolling onto the traveled way.

(2) No person driving or in charge of a motor vehicle shall permit it to idle, whether attended or unattended, for a period in excess of thirty (30) minutes in any one (1) hour period anywhere

within the city, other than a location designated for such activities by either the City Manager or the Chief of Police.

(3) Any person who violates any provision of this section commits a class B traffic infraction.